

Message Text

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ACTION EB-07

INFO OCT-01 EA-07 ISO-00 SS-15 L-03 EUR-12 INR-07 SSO-00

INRE-00 SCS-03 SCA-01 /056 W
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O 291455Z SEP 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 2196

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STADIS////////////////////////////////////

E.O. 11652: NA

TAGS: ETRD, CGEN

SUBJ: USITC INVESTIGATION OF JAPANESE TV RECEIVERS

REF: STATE 240320

1. LACKING MORE PRECISE INFORMATION ON EXACTLY WHAT USITC INVESTIGATIVE TEAM SEEKS TO ACCOMPLISH IN FRG, EMBASSY HAS SOME DIFFICULTY IN COMPLYING WITH REFTEL REQUESTS. INITIAL USITC TEAM OF GOOLEY AND ZEITLER WAS IN GERMANY 20 TO 21 SEPTEMBER AND SPOKE INFORMALLY WITH REPRESENTATIVES OF ECONMINISTRY, RADIO AND TV MANUFACTURERS ASSOCIATION, AND OFFICIALS OF SIEMENS. EMBOFFS WERE PRESENT DURING FIRST TWO OF THESE DISCUSSIONS AND CAN REPORT THAT INVESTIGATORS RECEIVED GRACIOUS AND APPARENTLY FORTHCOMING RECEPTION FROM GERMANS. IT ALSO CLEAR THAT GERMAN SIDE, WHILE APPRECIATIVE OF U.S. CONCERN WITH PROBLEM OF JAPANESE TV IMPORTS, WAS NOT IN A POSITION TO DISCUSS INTIMATE DETAILS OF GERMAN TV INDUSTRY, NOR TO PROVIDE, AS REQUESTED BY USITC, PRECISE COST AND PRICING INFORMATION FOR COMPARISON.

2. ALL FIRST TEAM DISCUSSIONS WERE INFORMAL AND
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CLEARLY VOLUNTARY. IT SEEMS TO US, HOWEVER, IN VIEW

OF SUBSEQUENT TRAFFIC, THAT SECOND TEAM (DINAN AND LAXAGUE) INTENDS CONDUCT FORMAL AND LEGALLY BINDING INTERROGATIONS OF GERMAN INDUSTRY OFFICIALS, WHICH MAY OR MAY NOT BE COUNTENANCED BY ACCEPTED CUSTOM AND PRACTICE. IT IS UNCLEAR FROM WHOM USITC TEAM WILL BE TAKING DEPOSITIONS, AND WHAT ITS LEGAL PREROGATIVES ARE FOR ATTEMPTING SUCH ON FRG SOIL.

3. WE THUS ARE SOMEWHAT RELUCTANT TO SEEK FRG APPROVAL AND COOPERATION FOR SECOND TEAM'S ACTIVITIES WITHOUT KNOWING MORE ABOUT DETAILS AS TO EXACTLY WHAT ITC TEAM PLANS TO DO. GERMANS DO NOT, AS INDICATED IN PREVIOUS TRAFFIC, TAKE THREAT SERIOUSLY OF JAPANESE IMPORTS INTO GERMANY. THEY SEE BASIS FOR US CONCERN, BUT ARE WARY OF BEING TOO FORTHCOMING ABOUT OWN INDUSTRY BECAUSE OF SUSPICION THAT USITC MAY BE AFTER (1) TRADE SECRETS WHICH MIGHT IMPERIL GERMAN INDUSTRY EXPORT MARKET, AND (2) DATA ON WHICH TO EXPAND CASE AGAINST JAPANESE TV INDUSTRY INTO GENERAL LEISURE-TIME ELECTRONICS EQUIPMENT IMPORT RESTRICTION. ALTHOUGH GERMANS EXPORT VERY FEW TV RECEIVERS TO US, THEY CONCERNED ABOUT POSSIBLE EFFECT THAT IMPORT RESTRICTIONS MIGHT HAVE ON OTHER ELECTRONIC EQUIPMENT EXPORTS TO US WHICH NOT INCONSIDERABLE. SOME OF QUESTIONS RAISED BY FIRST USITC INVESTIGATIVE TEAM WITH ECONMINISTRY OFFICIALS DID LITTLE TO ALLAY THESE CONCERNS.

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4. EMBASSY IS NOT CERTAIN WHETHER DEPOSITIONS PLANNED FOR FRG ARE TO BE TAKEN UNDER CONSULAR AEGIS, ON CONSULAR PREMISES AND UNDER OATH ADMINISTERED BY CONSULS, OR WHETHER USITC REPS PROPOSE TO TAKE TESTIMONY, NECESSARILY VOLUNTARY, ON THEIR OWN. WE EXPECT IN ANY EVENT TO ACCORD FRG AUTHORITIES AT LEAST COURTESY OF NOTICE OF INTENDED ACTIVITIES OF USITC REPS IN FRG, AND ANTICIPATE FRG QUESTION WHETHER USG WOULD HAVE ANY OBJECTIONS TO TAKING OF TESTIMONY OF PERSONS LOCATED IN US IN REVERSED CIRCUMSTANCES. EMBASSY WOULD APPRECIATE INFORMATION ON US EXPECTATIONS AND CONDITIONS, IF ANY, SHOULD FRG OFFICIALS WISH TO TAKE TESTIMONY OF WITNESSES IN US FOR SIMILAR PURPOSES.

5. DEPARTMENT IS REQUESTED TO DISCUSS WITH USITC PRECISE NATURE AND EXTENT OF PRESENT INVESTIGATION, AND CLARIFY NEED FOR D LEGAL JUSTIFICATION OF USITC ACTIVITIES IN GERMANY. WHILE FIRST TEAM WAS AFFORDED FRIENDLY AND INFORMATIVE RECEPTION BY GERMAN OFFICIALS, LATTER FELT THAT MATTER WAS AT AN END WITH TEAM'S DEPARTURE.

HILLENBRAND

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Margaret P. Grafeld
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